

Regular Council Meeting—February 12, 2013

The meeting of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street on February 12, 2013 at 7:00 p.m.

1. Mayor Mattox called the meeting to order and presided.
2. David Sage, Minister of Grace Community Church, gave the invocation.

Council members  
present:

Mayor Michael Mattox  
Mrs. Beverley Dalton  
Mr. Charles Edwards  
Mr. Tracy Emerson  
Mr. Bill Ferguson  
Mr. Timothy George  
Mr. Jay Higginbotham

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager  
Mr. Dan Witt, Assistant Town Manager  
Mrs. Tobie Shelton, Finance Director  
Chief Clay Hamilton, Police Department  
Deputy Chief Ken Walsh, Police Department  
Mr. John Eller, Town Attorney  
Mr. John Tomlin, Public Works Director  
Mr. Steve Bond, Wastewater Treatment Director  
Mr. Chuck Cofflin, Water Plant Director  
Mrs. Megan Lucas, Economic Dev. Director  
Mrs. Mary Hall, Administration

3. Mayor Mattox asked if there were any questions regarding the agenda.

A motion was made by Mr. George, seconded by Mr. Emerson, to approve the agenda.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

4. Mayor Mattox asked if there were any questions regarding the minutes of the January 8, 2013 Regular Council meeting.

A motion was made by Mrs. Dalton, seconded by Mr. Emerson, that the minutes of the January 8, 2013 Regular Council meeting be approved as presented.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

5. Review of Invoices
6. Financial Statements

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### 7. Public Comment

Mayor Mattox asked if anyone not on the agenda would like to address Council. No one came forward.

### 8. Special Items or Recognitions

#### a) Officer Scott Earhart—Altavista Police Department

Mayor Mattox recognized K-9 Officer Scott Earhart for his heroic actions that may have prevented personal injury or death to four Altavista Citizens. He noted:

*On Feb. 3, 2013 at approximately 0420 hours, Officer Earhart was dispatched to the 1200 block of Avondale Dr. to investigate smoke in one of the apartment units. Upon his arrival he was confronted by one of the neighbors who stated that smoke was entering their residence. Officer Earhart observed dense smoke coming from the eaves of Apt. 36. He was also advised there were occupants in the residence. He could also hear a smoke detector activated in the unit. After not receiving any response to the door, Officer Earhart breached the door. He immediately observed dense smoke and a person lying on the couch. He was able to wake the individual and alerted three other occupants located in the rear bedrooms. John Tucker, representative with the A.V.F.D. stated that Officer Earhart's quick action may have prevented serious injury or death for the occupants in the apartment.*

K-9 Officer Earhart thanked Council for the recognition.

Mayor Mattox mentioned K-9 Officer Earhart will be formally recognized at a later date.

#### b) Resolution—Tim Wagner (Planning Commission)

Mayor Mattox presented Mr. Timothy Wagner with the following resolution. Mr. Wagner resigned from the Altavista Planning Commission.

#### *RESOLUTION IN RECOGNITION OF TIMOTHY R. WAGNER, PE*

*WHEREAS, the Town of Altavista Planning Commission encourages community participation and thoughtful approaches to the impacts of development within the community and on the environment, and*

*WHEREAS, the Town of Altavista Planning Commission Member, Timothy R. Wagner, has provided valuable insight and planning contributions to the Town planning program since his appointment to the Commission in December 2006, which included acting as Vice Chairman of the Planning Commission beginning in January 2010, and*

*WHEREAS, Timothy R. Wagner actively participated in the creation of the Downtown Revitalization Overlay district adopted in November 2007; a rewrite of the Town's Comprehensive Plan adopted in April 2010; a rewrite of the Town's Zoning Ordinance adopted in October 2011; and provided valuable insights that helped the Commission conduct its day to day business, and*

*WHEREAS, Commission Member, Timothy R. Wagner, has performed his duties with the highest respect for our citizens, the volunteer commissioners, and ethical standards of the Town;*

*NOW, THEREFORE, BE IT RESOLVED that by action of the Mayor, Mike Mattox, the Altavista Town Council, and the Altavista Planning Commission, a record of appreciation to Timothy R. Wagner for his outstanding service on the Altavista Planning Commission is recorded.*

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Adopted this 12<sup>th</sup> day of February 2013

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Mike Mattox, Mayor  
Town of Altavista

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Jerry Barbee, Chairman  
Altavista Planning Commission

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to adopt the resolution honoring Mr. Timothy R. Wagner.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

c) Resolution—John Tucker (Fire Chief)

Mayor Mattox presented Mr. John Tucker with the following resolution. Mr. Tucker stepped down from the Altavista Fire Company’s Chief’s position.

*RESOLUTION HONORING THE  
SERVICE OF JOHN TUCKER*

*WHEREAS, John Tucker has served the citizens of the Town of Altavista and the surrounding community in an exemplary manner as a member of the Altavista Fire Company for twenty (20) years, recently concluding his ten (10) year tenure as Chief of the volunteer organization; and*

*WHEREAS, certain citizens emerge to unselfishly perform community service above and beyond the call of duty without expectation or desire for compensation or re-numeration; and*

*WHEREAS, John has provided enduring vision for the fire company, excellent stewardship of its resources, leadership, abiding love and compassion for our citizens, and uncompromised devotion to duty; and*

*WHEREAS, John has served diligently, with great distinction and bravery as a firefighter, department treasurer, instructor providing direction, encouragement and knowledge to his fellow firefighters and as the department’s chief; and*

*WHEREAS, during his tenure as chief John was instrumental in the Company’s purchase and renovation of their existing fire station, as well as the purchase of new fire/rescue equipment including a ladder truck, rescue truck, tanker truck and rescue boat; and*

*WHEREAS, his courageous protection of our community from the potential effects of devastating fires is an example to each of us to be an active member of our community and a true testament to his nature of public service; and*

*NOW, THEREFORE, BE IT RESOLVED the Altavista Town Council hereby expresses its heartfelt appreciation and acknowledges the high esteem in which John Tucker is held in the community, and in his honor expresses appreciation for this faithfulness and dedication to the citizens of Altavista for the past ten years as Fire Chief.*

Adopted the 12th day of February 2013.

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Mike Mattox, Mayor

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J. Waverly Coggsdale, Town Clerk

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A motion was made by Mr. Ferguson, seconded by Mrs. Dalton, to adopt the resolution honoring Mr. John Tucker.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

d) Introduction of new Fire Chief—Lee Neal

### 9. Public Hearings

### 10. Standing Committee/Commission/Board Reports

#### i. Finance/Human Resources Committee

##### FY2014 Budget Wage/Salary Considerations

Mrs. Dalton advised each year during the budget process, the Finance/Human Resources Committee reviews data relative to wages/salaries for consideration in the on-going budget process. Staff presented the Committee with data from the past five years in regard to this item, as well as the fiscal impact of certain percentage increases. Following discussion, the Committee recommends that a two percent (2%) salary increase be included in the FY2014 Draft Budget. She noted this action was for budgetary projection purposes only.

Mr. Higginbotham stated Council needs to look at the overall picture before assuming a salary increase. He felt Council should also consider salary versus hourly wages.

Mrs. Dalton asked Mr. Higginbotham to recall this is a placeholder in the budgeting process; it is not being adopted but will be discussed again.

Mr. Higginbotham stated once a placeholder is set, he did not think it was ever changed.

Mrs. Dalton responded last year's budgetary process included a two percent increase, with the FY2013 budget having a one percent (1%) salary/wage increase.

It was the consensus of Council to include a two percent (2%) salary increase in the FY2014 budget process.

##### Health Insurance Review Update

Mrs. Dalton advised the Finance/Human Resources Committee reviewed the memorandum from Mrs. Tobie Shelton, Finance Director regarding staff's efforts in regard to a review of health care plan costs. It is staff's thoughts that information will be available for consideration by the Committee at its March meeting.

##### Peer Group Comparison Report

Mrs. Dalton noted the Finance/Human Resources Committee reviewed their portion of the Peer Group Comparison Report and has requested staff to gather some additional information prior to their next meeting.

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Peer Analysis Consultant Fee

Mrs. Dalton advised at the September 2012 Council meeting, Town Council approved the performance of the Peer Group Comparison Report and a “not to exceed” amount of \$225 a day and not to exceed 12 days. Mr. Morgan Allen reported his time spent on this project and noted it exceeded the 12 days by approximately one day for an overage of \$267.72.

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson to approve the Peer Analysis Consulting fee in the amount of \$267.72 for Mr. Allen’s services.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Project 5&6—Quality Assurance

Mrs. Dalton advised Project 5 & 6 Streetscape that is ongoing shortly. She asked for approval of Task Order #10 in the amount of \$36,920. This is required by the Virginia Department of Transportation (VDOT) and VDOT pays it.

Mr. Coggsdale advised after the Kick-Off meeting for Project 5&6, VDOT informed the Town that due to the Federal Funding involved with the Intersection portion (VDOT LAP funds) and the Streetscape portion (VDOT Enhancement funds), "materials testing and construction observation" services would be required. These requirements are listed in Appendix 13.2-G of the LAP manual according to VDOT. This item had not been previously discussed, so we consulted with our engineer, Wiley Wilson and VDOT to address this issue. At this time, VDOT indicates that based on the two project budgets (Intersection and Streetscape) that ample funding from VDOT should be available to address these services.

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to approve Task Order #10 in the amount of \$36,920.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Train Station Tables & Chairs Replacement

Mrs. Dalton advised the Finance Committee is recommending approval of replacement of tables and chairs at the Train Station. She mentioned there is money in the Train Station Account. These monies are not budgeted therefore needing a budget amendment. The cost is not to exceed the balance in the Train Station Account.

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A motion was made by Mrs. Dalton, seconded by Mr. Edwards, to authorize staff to purchase replacement tables and chairs for the Train Station utilizing the Train Station Account existing funds, with the cost not to exceed the balance in the account.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

ii. Police/Legislative Committee

Utility Billing Adjustment Policy

Mr. Edwards advised at the December 2012 Town Council meeting, a request by a citizen regarding a second utility bill adjustment was considered. He felt the Committee has come up with a solution they felt is reasonable. He noted the meter for a resident is read quarterly. At this time, the Committee recommends that the policy remain the same in regard to number of adjustments in a twelve month period and be amended to provide that the amount in excess of a “historical” average bill be adjusted so that the customer pays only 25% of the excess, rather than the stated 50%.

Mr. Higginbotham asked Mr. Edwards to explain the policy to him again. He stated it showed good faith on behalf of the homeowner to get a plumber to fix the problem.

A motion was made by Mr. Edwards, seconded by Mr. Ferguson, that the policy remain the same in regard to number of adjustments in a twelve month period and be amended to provide that the amount in excess of a “historical” average bill be adjusted so that the customer pays only 25% of the excess, rather than the stated 50%

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Take Home Vehicle Policy

Mr. Edwards stated another policy under consideration is a Take Home Vehicle Policy and has asked staff to draft such for review.

Mr. Edwards noted a request from staff for a structure of the Police Department in terms of rankings.

iii. Public Works/Utility Committee

5<sup>th</sup> Street/Charlotte Avenue Drainage

Mr. Ferguson advised over the past few months, the Public Works Committee as well as Town Council has evaluated the drainage in the area of the 5<sup>th</sup> Street and Charlotte Avenue. This review came about

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as a potential solution to the "dip" that exists at this "T" intersection at Charlotte Avenue. During this time several thoughts have been evaluated on how to best approach the drainage area, with the most previous one being in the installation of storm water drainage in the area and piping the water underground along 5<sup>th</sup> Street and across private property to Novelty Street to an existing drainage outfall. At their meeting the Committee felt it would be prudent to evaluate the possibility of connecting this drainage to the proposed improvements in the Pittsylvania Avenue/Main Street Intersection project. Upon discussing this issue with VDOT, another possible alternative along Main Street was discovered which involved an existing drainage structure on Main Street in the vicinity of Franklin Avenue (in front of Finch & Finch).

Mr. Tomlin advised that he has met with VDOT on this project and the gentleman that handles the storm water. A storm line has been discovered on the west side of Main Street. This would prevent the town from having to lay a new line from Pittsylvania up to Charlotte Avenue. This would substantially reduce the costs. The Virginia Department of Transportation advised they do not have the time to do this work and is requesting Mr. Tomlin provide elevations of the existing system to see if it will accept the runoff. Mr. Tomlin stated he was hoping to have this information this week. VDOT indicated they would need the actual runoff numbers.

It was the consensus of Council to move forward with this process.

### Utility Fees/Proforma Update

Mr. Ferguson advised the Utility Committee has discussed amending the fees associated with utility service for the past year and at this time would like to recommend a utility fee schedule (which was presented to Council) for consideration. This schedule would be utilized for any budget impact and could be voted on during the budget adoption process.

Mr. Coggsdale noted these are budgetary items for consideration.

Mrs. Dalton advised these fees do not impact existing customers. The rationale for this change is the Town is notoriously low in regards to other communities

Mr. Edwards asked Mr. Tomlin to explain the fire suppression meter charges.

Mr. Tomlin advised the Town provides for industries fire suppression lines; these lines are not metered. The Town has no means of knowing if the industries have any other facilities tied into these lines. They could be using water at no cost because the Town charges them no fees. Most of the fire suppression lines have a leak detector that detects movement. There is no correlation between the volume of movement through the small meter versus the volume of water that moves through the large pipe. He noted most localities charge a fire suppression fee which reimburses the localities for testing, refill the pipes or any leakage.

Mrs. Dalton advised if it was metered in a manner that the customer would be responsible for the volume or just a fee for it being open.

Mr. Tomlin stated it was just a flat fee based on the diameter of the pipe.

Mrs. Dalton asked if it was assessed when used.

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Mr. Tomlin replied the fees are assessed on a monthly or quarterly basis; however, the locality chooses, typically a flat fee because there are no meters.

Mr. Higginbotham felt Council should be careful about adding additional fees to the industries in the Town. He stated the Town wants to encourage industries and industrial development.

Mr. Coggsdale stated the premise behind it is that person coming on line has not paid for the plants serving their industry or business therefore it is helping to create a fund to improve the facilities when they get to peak capacity so the Town can continue to provide services to others in the Town.

Mr. Edwards stated he would prefer to see a method in which the customer is charged when a leak occurs as opposed to a flat monthly or quarterly fee.

Mrs. Dalton stated these leak detectors have to be installed, they have to be checked and there is a cost.

Mr. Tomlin stated the Town is providing a service of fire suppression to them at no cost.

Mayor Mattox asked for a consensus on this matter for budgetary purposes and asked Council members to address the Public Works Committee with their concerns.

It was the consensus of Council to move forward with the fees associated with utility service for budgetary purposes.

Mr. Ferguson advised the Committee reviewed the projections of the Utility Pro forma as it related to expenses and revenues and the impact of continuation of the utility rate plan that was presented to Council several years ago and has been implemented for the past several years in an annual 5% rate increase structure. The Committee recommends that the developed rate structure proposal stay in place with a 5% utility rate increase proposed for FY2014. This would be for budget purposes at this time and final action would be taken at the point when the FY2014 Budget is adopted.

Mr. Higginbotham asked if the 5% would apply to businesses as well.

Mr. Coggsdale answered yes.

Mr. Edwards questioned if it was 5% or 7% stating he thought it was 7%, therefore; this is not the same thing that was passed by Council.

Mrs. Dalton clarified it was changed that first year to 5%.

Mr. Edwards questioned if anyone knew what the surplus from the Enterprise Fund would be; his analysis showed \$460,000. He felt that was an important number because of the expense facing the town. He felt Council needs to know what the cost and surplus are before making a decision. He noted the leading industry in town is also the leading water and sewer customer; this will have a very strong effect on them. He noted the machinery and tool taxes are considerably higher. Mr. Edwards stated he understood more funds may be needed for water and sewer and felt customers may be more compliant if they could see some relief from machinery and tools.



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Mayor Mattox stated he did not disagree and that was the purpose for developing the budget and using these figures for placeholders.

It was the consensus of Council that the developed rate structure proposal stay in place with a 5% utility rate increase proposed for FY2014.

### Utility Agreements

Mr. Ferguson reported the Committee continues to review and discuss alternatives for the development and potentially adoption of new utility agreements with Campbell County and the Town of Hurt. Staff will continue the conversations with the two jurisdictions and report back to the Committee.

### Water Distribution Asset Management Study

Mr. Ferguson reported staff continues to work with the consultant on fine tuning the document. The most recent item was the inclusion of a water distribution project along Main Street that had previously been omitted. Accordingly, this increased the project cost estimates.

### Myrtle Lane Sidewalk

Mr. Ferguson advised after reviewing the sidewalk request for several months and talking with the citizen, the Committee has decided that this project is not warranted at this time. Staff may continue to evaluate projects that may be funded through the State Highway Funds or the Town's General Fund and develop a priority list.

### Recycling Program Review

Mr. Ferguson advised the Committee was provided with the historical data in regard to the Recycling Program that is operated as a "drop off" site at the Altavista Commons Shopping Center. This information shows the charges for the service, the amount paid by the Town and the revenue generated from the sales of the materials by the vendor (DSW). The Committee will continue to evaluate this program as it moves through the budget process.

Mr. Higginbotham noted it is costing the citizens of Altavista \$7,000 a year for the recycling program and asked if Council was going to save that for budget purposes.

Mr. Ferguson mentioned he was involved in the process of the recycling program and stated he has numerous people thanking him.

Mr. Higginbotham did not feel the citizens understand taxpayers dollars are being taken to pay BSW, Inc. to haul the recyclables off, a dead cost to the Town, with no return. He stated the Town thought it would help with the trash collection and Mr. Tomlin said it was negligible.

Mr. Ferguson noted there is a large group of people in this town that recycle and if this program is stopped, they will have to travel to Lynchburg.

Mr. Higginbotham stated Campbell County stopped the program because it was not effective.

### Peer Group Comparison Report

Mr. Ferguson advised the Public Works/Utility Committee reviewed their portion of the Peer Group Comparison Report and has requested staff to

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gather some additional information prior to the next meeting, which is scheduled for Wednesday, February 20th at 7:00 a.m. at Town Hall.

### Leonard Coleman Park Plaque

Mr. Ferguson advised the plaque has been received for the Leonard Coleman Park and Mr. Coleman's family would be contacted regarding a presentation.

#### b. Others

##### i. Recreation Committee

Mr. George gave the Recreation Committee report on behalf of Mr. Dick McKeel.

### Lola Avenue/Avondale Field

Mr. George reported the use of the Lola Avenue/Avondale field was discussed for use as an option for 'practice' fields for soccer and football. After discussing the consensus of the Committee was to build new fields on the County's portion of English Park, in the area between the railroad trestle and Main Street Bridge. He listed the reasons for not using Lola Avenue/Avondale field:

- Not a wise investment to use Lola due to parking issues, the field would only be a temporary solution; extensive work on the field would be required as this field is on top of a former landfill and constant settling would occur.
- Steve Jester to provide needed dimensions to John Tomlin for soccer and football.
- John Tomlin will develop a cost estimate and timetable for completion along with availability for use.
- Victoria Mattox will discuss plans with Campbell County to make sure the Committee's plans are in line with the County's.
- Committee will present plan to Town Council at the appropriate time

### Dogs in English Park

Currently dogs are prohibited in the park. The Committee recommends that dogs on a leash be permitted in English Park and that 'poop stations' be installed at strategic locations. This will be consistent with Shreve Park and rules for other Campbell County Parks.

- All pets shall be kept on a leash while in the park.
- All pets shall be restrained while in the park. Pet owners are required to clean up their pet's waste.

Mayor Mattox referred this matter to the Public Works Committee.

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### Loop Road along Staunton River

The committee recommends the existing gates be closed to vehicle traffic. This would be done on a trial basis to determine if it needs to remain closed.

- There is concern for the safety of folks utilizing this for walking, running or biking in addition to soccer or footballs crossing the road during events.

Mayor Mattox referred this matter to the Public Works Committee.

### Shade Tree Master Plan

The committee is considering both a shade tree and buffer tree master plan for the park and 3rd Street entrance into the park. The area around the Booker Building and basketball courts could benefit from shade trees. The entrance on 3rd Street is unsightly and trees would create a buffer to the entrance to the park.

- John Tomlin will have Danny look at this and present ideas back to the committee.
- The committee will develop a plan and budget and present back to Town Council.
- There may be civic groups who would partner with Town on this project, thus reducing overall cost to the Town.

### Long Range Plan for Development of County's Portion of English Park

Victoria Mattox reported that the County has no timeframe for the development of the park. The committee is interested in the possibility of the Town partnering with the County to develop the park within a reasonable timeframe.

- Victoria to meet with Campbell County to inquire if there are any estimates for the conceptual drawings.
- Committee will meet again to create a plan for development
- Committee will report to Town Council with recommendation for park development; including a request for annual funds designated in the CIP

Mayor Mattox thanked Mr. George and the Recreation Committee for their work.

## 11. New Business

### a) Public Nuisance Hearing—327 Myrtle Lane

Mr. Coggsdale advised the public nuisance hearing involves complaints regarding barking dogs at 327 Myrtle Lane. During the past few months, the Altavista Police Department received complaint calls related to "barking dogs" at 327 Myrtle Lane. The last received complaint was on January 12, 2013, there had previously been three other complaints between the dates of November 23, 2012 and January 11, 2013. At the time of the January 11th complaint, it

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was decided by the Altavista Police Department to pursue the situation under the Code of the Town of Altavista Section 18-4 – *Noisy Animals and Fowl*, in hopes of addressing the situation in a timely manner. Following the last complaint on January 12th, the occupant was served with a notice of violation in regard to Section 18-4. As mentioned in Chief Hamilton's memo, the issue was heard before the Campbell County General District Court, at which time the case was dismissed. This action does not resolve the potential for Town Council addressing the issue as a potential public nuisance. The Code of the Town of Altavista Section 34-31 (2) f. defines a "Public Nuisance" as '*any animal that by loud, frequent or habitual crying, barking howling or other noise causes disturbance of the peace and quiet of any person or neighborhood.*' The Code of the Town of Altavista Sections 34-32 through 34-33 provides for the process of handling and notifications, as well as the procedure by which public nuisance issues will be heard and potentially abated. Mr. Coggsdale stated under Section 34-32 (b) and (c), the Altavista Town Council will conduct a hearing that affords the owner/occupant an opportunity to address the potential public nuisance issue.

Ms. Annette Hite, 327 Myrtle Lane, addressed Council. Ms. Hite asked to make a few comments. She stated she had lived on Myrtle Lane for four years, rented from Mr. Eller for three years with Ms. Jo Kelley living behind her and never had a problem. Since her first night at 327 Myrtle Lane, she has had nothing but torment. She stated she meant no disrespect to Council but she has received certified letters from the town asking who is living in her house, why are they living there; she asked what business was it of theirs. She has sold items on Craigslist with people coming out of state not knowing anything about the beauty of Myrtle Lane, parking in the median for no more than two minutes and the police department being called. She felt this was very embarrassing and harassing. She addressed the dog situation stating she had received letters from everybody in the neighborhood stating the median parking again, people coming up to her telling her they are embarrassed and that they had no participation in it because the letters made it seem like everybody on Myrtle Lane was in agreement with this, that was not so. She stated she has had her dogs for years. She was allowed to have the dogs when she rented from Mr. Eller. She kept them on the screened in porch and felt if the dogs were a nuisance people would have heard them on the screened in porch. Ms. Hite stated this was very critical to her. She stated a meeting was conducted and she was not made aware of the meeting. She knew it was brought up and no one notified her like this time saying there was going to be one.

Mayor Mattox questioned if something had come before Council. This was brought before the Campbell County court.

Ms. Hite stated for a dog barking she just went to criminal court she could have had charges brought against her and gone on to her record. She has the Chief that lives three houses down from her and he can't be partial to anything and but if there was a dog barking with him being the Chief she didn't think he would put up with it. Every time the police have been there, only January 11 was she at home. The other times there has been nothing. She has officers come to her personally and say they are praying for her because this is not about dogs. She said if she needed to bring the officers before Council, she would bring them. She stated she has seen officers walking through her yard at various times having no idea that they were on the property. She would ask what they were doing and they would respond they got another call. She stated she has had officers set across the road for hours waiting for a dog to bark. Not once has she had an officer come to her and say that her dogs were barking while they were there. She stated she has three boxers but gave away one hoping to calm some of this down. She stated she is not trying to break any type of ordinance. She said she was not saying the dogs never bark because a dog is going to bark. She said she hopes there could be some conclusion tonight to stop all of this craziness. She stated she is a single mom and has a new grandbaby coming to her house and cannot just up and move. Ms. Hite mentioned that she had been in front of the Campbell County

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court and it was thrown out and now she is in front of Council and felt it was tag teaming.

Mayor Mattox asked any concerned citizens that would like to speak to come forward.

Mr. Ben Cunningham, 329 Myrtle Lane, addressed Council and apologized saying that he did not feel it should have come to this point and he is sorry for the trouble it has caused. Mr. Cunningham read a letter that he presented to Campbell County court:

This letter is to address the many complaints and noise violations on Annette Tweedy Hite at 327 Myrtle Lane, Altavista, Virginia. My name is Benjamin Cunningham and I have been a resident of 329 Myrtle Lane for the past two years. Myrtle Lane is a quiet community with respectful neighbors and I love living here. I am a RN at the dialysis center here and I regularly work 72 hours a week. I work swing shifts at the hospital as well. The time that I get to spend at my home is precious to me and the dogs next door bark randomly throughout the day and night sometimes its better sometimes its worst. Our homes are very close and my bedroom is the closest point in my house to where the kennels are located. This is my first home that I have owned and the barking of these dogs has really been a big disappointment for me as a homeowner. Annette Hite has always been very nice and accommodating but has yet to keep the dogs from barking at all hours of the day despite many reports to the Altavista Police Department. I was told by Ms. Hite that she had placed bark collars on the dogs but the barking continued anyways after that statement. Due to the close proximity of the dogs to my home, I only see that one dog had a bark collar on. I wish that this situation had not come to this, I truly do but I hope that the issue is resolved. Many chances have been afforded for this situation to be corrected and nothing has improved.

Mr. Wayne Mitchell, 325 Myrtle Lane, addressed Council. He thanked the Mayor, Town Council and Town Manager for giving him the opportunity to speak on the subject. Mr. Mitchell stated he was not there to point fingers, call names, and despite some of the accusations; they do not dislike the people that live at 327 Myrtle Lane. They like for houses to have people in them. They do not like to see houses that are empty. Mr. Mitchell stated he has been a dog owner for years but doesn't have one presently. He likes dogs and appreciates what dogs do; he knows they bark and the occasional bark, barking for an hour, barking for two, he doesn't complain about that; barking for 13, 14, 15 hours in a row with nothing ever happening with the dogs that's what he has the issue with. He stated he was not asking for his neighbors to be perfect but he was asking them to simply be respectful dog owners or responsible dog owners and respectful neighbors. It comes a point that the history of the dogs, what they did two years ago is completely irrelevant to what has been happening for the last year. He stated the first day Ms. Hite was at 327 Myrtle Lane at 10:30 p.m., he called her and asked her to do something with the dogs. He stated he went the entire summer after that, his daughter doesn't go to school in the summer, so the fact that her window faces the dogs was not that big of an issue if she loses a little sleep during the summer and he knew that the dogs need to have an opportunity to get acclimated to their situation but when she started to school and she started losing sleep over the situation, he could not allow it to continue and that is when he called Ms. Hite and left a long message explaining, because she did not answer the phone, to her it was time to make a change. He stated there have been times that were better or worst depending on the weather, how cold it is, how wet it is, when they are outside they are barking. Mr. Mitchell stated it was not every day and it was not all day but he is there on the weekends and is only able to speak as far as a Saturday or a Sunday is concerned he has heard the dogs bark for 14 plus hours nonstop. He asked for this situation to be handled. He stated he was just looking for respect for the neighbors. That is why it is called a neighborhood, we all live together. He presented to Council a listing of the calls that had been made at various times.

Mr. Edwards left the Chamber at 8:37 p.m. and returned at 8:42 p.m.

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Mrs. Micki Brumfield, 318 Myrtle Lane, addressed Council. Mrs. Brumfield stated she lives directly across the street from the dogs and she is in the same position as everybody else. She was just asking for respect. She noted all have dogs as well as herself. Dogs bark when they are bored and those dogs are bored. She stated the dogs are outside 24/7 and they bark constantly. She stated she has to turn on her TV and run a fan when her windows are open and she sleeps with her window open a lot. Her bedroom is located on the front of the house. Ms. Brumfield stated she has called the nonemergency number to ask the Police to come; she did not have Ms. Hite's number. She stated the Police did not need to hear the dogs barking, it's the neighbors that are hearing the dogs barking; the people that are in the vicinity of the house. She stated the last time Officer Jefferson responded to the area, he did hear the dogs barking. Mrs. Brumfield stated they wanted this resolved; the constant all day, all night barking. She noted she does not call until it is at night when she is trying to get her sleep. She mentioned some of the other neighbors are on shift work and the barking is keeping them awake during the day. She told Council they appreciated anything they could do to solve the problem.

Mr. Pat Tweedy, Lynch Station, Virginia, addressed Council. Mr. Tweedy advised he is Ms. Hite's father and regularly visits his daughter. He stated any dog will bark sometime. He felt as often as he visited the home and if the dogs were barking 12 or 13 hours, he would have heard them. He also mentioned the Officers have made statements they never heard the dogs and when they went by they should have heard the dogs bark. He stated he couldn't quite understand why they are barking all of these hours and nobody hears them except the people that are complaining. He stated he was not saying these people are telling a story but it was hard for him to believe these dogs are barking as much, keeping people awake as they are testifying to.

Mayor Mattox asked if anyone else would like to comment. No one came forward.

Mr. Edwards asked Chief Hamilton to comment since he lives on Myrtle Lane.

Chief Hamilton stated he would remain unbiased in the matter.

Deputy Chief Walsh addressed Council.

Mr. Edwards asked for the number of complaints.

Deputy Chief Walsh advised the log shows 13 separate calls for service beginning the 19<sup>th</sup> of October, 2012 with the last one being 12<sup>th</sup> of January, 2013. These range from the initial barking dog complaint to follow up calls for service that the officers initiated when they received a complaint as a follow up to the investigation. Ms. Hite was issued a summons for violation of Town Code 18-4, Noisy Animals ordinance.

Mr. Edwards asked if any of the officers had observed the dogs barking.

Deputy Chief Walsh advised according to the calls for service log there was an occasion where the dogs were barking. There are calls for service where the officers arrived and the dogs were not heard by the officers to have been barking.

Mr. Edwards asked if it was possible to correct the problem with bark collars.

Deputy Chief Walsh responded he knew very little about training dogs but that it might be possible.

Mr. Emerson stated he didn't know if there was a collar that would automatically shock the dog if it barked but there are remote controlled collars.

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Mr. Tweedy mentioned two new collars have been purchased for the dogs.

Mrs. Dalton asked if it was determined by Council to be a nuisance or an ordinance being violated by these dogs, what the ordinance says Council has the obligation to do.

Mr. Coggsdale stated there are code sections on how to handle the hearing as well as the abatement should Council choose to decide this is a public nuisance then they can prescribe the manner and method in which to abate said public nuisance. He stated it is very open ended because public nuisance can be so many different things.

Mrs. Dalton asked if Council could suggest that the noise issue be abated and leave it up to someone else; owner of the dogs to see how she wants to abate it. She stated if it was effective, so be it, if not, Council would hear it again.

Mr. Eller clarified the ordinance says if Council decides to order the abatement then a time frame should be set for the abatement to be completed by. If this time limit has not been met, then the situation would be brought before Council again.

Mr. Emerson stated he appreciated a night of sleep and he had dog he had to get rid of for this very reason. He felt Council needed to address the situation as soon as possible.

Mr. Edwards felt the bark collars would correct the problem and did not see why the owner wouldn't proceed with this method.

Mr. Higginbotham felt something needed to be done to satisfy the neighbors because of the complaints.

Mr. Ferguson stated he is a dog owner too and his dog barks. He is in hopes something could be done and Ms. Hite stated she had two new collars hopefully that will take care of the problem.

Mr. George asked Ms. Hite if it was possible for the dogs to stay inside the house. If they barked inside, it would only bother the owner.

Mayor Mattox asked Council to consider asking Ms. Hite to obtain bark collars, giving her a reasonable amount of time to do so and time to see if it rectifies the situation and if it does not, Council will have to take appropriate measures to keep peace in the neighborhood.

Mr. Eller stated Council first has to decide if this is a public nuisance. Once this decision is made, and then Council moves to the abatement they might prescribe.

Mr. Higginbotham stated if Council could give some guidelines now and not declare it a public nuisance unless additional complaints are received after the allotted timeframe.

Mrs. Dalton suggested allowing Ms. Hite decide how to rectify the problem before being declared a public nuisance.

Council took the issue under advisement for 30 days allowing Ms. Hite to demonstrate good faith to the neighborhood and Council with this item being on the March 2013 Town Council agenda.

Mr. Edwards asked Ms. Hite if she was willing to accept to abate the problem.

Ms. Hite answered affirmatively.

Mayor Mattox stated if progress is not made, Council will move forward with the nuisance.

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### b) Altavista Area Chamber of Commerce Annual Report

Mrs. Patty Eller, Altavista Chamber of Commerce, addressed Council and presented them with a listing of scheduled events for the spring. She mentioned the Chamber Board participated in three strategic planning meetings. Economic Development was identified as a high priority for the Chamber. She mentioned Mrs. Lucas serves on the Chamber Board. The Board wants to make sure they assist each entity or organization for the betterment of Altavista. The Virginia Chamber of Commerce decided they needed to take a leadership role with economic development for the state of Virginia and Ms. Eller presented Council with information in this regard. She stated the Chamber Board has also made Workforce Development a priority. Mrs. Eller mentioned Focus Group sessions would start next month. She presented Council with a power point presentation regarding comments made about the Altavista Chamber of Commerce.

Mayor Mattox thanked Mrs. Eller for what the Chamber had done and for what they are going to do.

### c) Altavista on Track Annual Report

Ms. Jo Kelley, Director of Altavista on Track, addressed Council and introduced the current Chair, Mr. Herb Miller. She stated Altavista on Track operates on a fiscal year and is at the mid-point of their current program and is having a good year to date. She noted one of their tasks is community attraction and having people come to Town; this has been done through monthly Downtown Cruise-ins which begins in April. Ms. Kelley listed other events sponsored by Altavista on Track including the Scarecrow Stroll and Town wide Yard Sale. Ms. Kelley recognized visitors from the Raleigh area in attendance at the Council meeting. Altavista on Track is continuing to work with the Altavista Chamber to support area businesses. Future plans including an eatery, street art, and expanding the farmer's market. She noted their focus is to expand their area of concentration town wide.

Mayor Mattox expressed his gratitude to Altavista on Track for their hard work and dedication. He extended a sincere welcome to the guest.

Ms. Kelley mentioned that Altavista on Track reports no less than 200 volunteer hours monthly.

### d) Planning Commission Annual Report

Altavista Planning Commission Chairman Jerry Barbee reported to Council their annual report. He stated there were three elements to the report: review of the comprehensive plan which is required annually, the year in review, noting in 2010 the Comprehensive Plan was written, 2011 the Planning Commission rewrote the Zoning Ordinance, Future Land Use Map and Zoning Map, 2012 was comparatively a very light year and this year's plan. Chairman Barbee reviewed with Council the projects the Planning Commission would like to get under way and asked for Council's thoughts as to whether they should move forward because it involves architectural design guidelines. He referred to the Virginia State Code 15.2-2306 stating the Planning Commission would like to look at the DRO and also the northern most entrance corridor. Chairman Barbee said the idea is to preserve the historical character of buildings with architectural guidelines being in place; maintain façade improvements, guide future development of vacant lots, maintain and increase value of properties, promote future commercial development with the district, attract complimentary businesses to the district and guide property and business owners. He noted the Planning Commission hopes to maintain the character of the Avoca Museum as the development of commercial land takes place.



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Mrs. Dalton asked if the Planning Commission was looking at things that are fairly restrictive or fairly unrestrictive. She didn't want to get into something that was cost prohibitive or turn a commercial development off.

Chairman Barbee said the whole idea is to encourage economic development and not to prohibit it.

It was the consensus of Council for the Planning Commission to move forward with the architectural design guidelines.

Mayor Mattox thanked Chairman Barbee and the Planning Commission for their work.

e) Police Department Annual Report

Chief Hamilton presented Council with the 2012 Police Department annual report. He stated the Police Department had a successful year, crime was down 30%. He attributed this success to the Police Department personnel for their professionalism and dedication to their job and diligence to deliver the excellent service and the crime analysis. He thanked the citizens in the Town for their watchful eyes and cooperation. Chief Hamilton thanked the Mayor and Council for their support. He presented a power point presentation of the annual report. Chief Hamilton noted the Police Department has been in the accreditation program for two years. At this time, the Police Department is in the self assessment category. Chief Hamilton felt the Police Department would be accredited in approximately three years; they are presently 66.84% compliant with the standards.

Mayor Mattox thanked Chief Hamilton for all that he and the Police Department do.

f) ACTS Title VI Request

Mr. Witt addressed Council stating this is a requirement of the Town accepting federal funds from the Federal Transit Association through the Department of Rail and Public Transportation. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d). From this, Mr. Witt stated he is required to develop a Title VI policy. He asked Council to adopt this policy or authorize the Mayor to sign this document stating the Town is willing to implement it. The policy statement:

*ACTS is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.*

*ACTS' Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.*

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Signature of Authorizing Official

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Date

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A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to authorize the Mayor to sign this document as an authorizing agent.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

g) Consideration of “Consent Agenda” Process

Mr. Coggsdale advised the use of a consent agenda can provide an effective and efficient way to deal with items/issues that may be presented to Town Council that are deemed non-controversial or routine. He stated he has discussed this issue with Mayor Mattox and Vice Mayor Dalton and it was decided to place it on the monthly agenda for full Council discussion. Mr. Coggsdale presented Council with information on consent agendas and how it would utilized.

Mrs. Dalton suggested it could help streamline the meetings. The most important thing to understand is it takes a single Councilperson’s request, no vote, to pull an item off the consent agenda and allow discussion. Mrs. Dalton suggested the consent agenda be utilized.

It was the consensus of Council to use the consent agenda at the March Council meeting.

12. Unfinished Business

13. Manager’s Report

Mr. Coggsdale took a moment to express appreciation to Officer Scott Earhart, Mr. Tim Wagner, Mr. John Tucker and Mr. Morgan Allen for his peer analysis. Mr. Steve Farmer for being selected as the Altavista Chamber of Commerce 2013 Citizen of the Year. He also thanked Ms. Jo Kelley, Mrs. Patty Eller, Mr. Jerry Barbee and the many volunteers in the community who make Altavista a great place to live. Mr. Coggsdale also extended a thank you to the Town employees who provide services to the citizens of Altavista on a daily basis and to Council for the leadership they provide.

a) Project Updates

**VDOT Enhancement Project and Downtown Utility Replacement Project and Pittsylvania Avenue Intersection Project**

- The Intersection/Infrastructure/Streetscape Project (Project 5&6) has begun, with the contractor mobilizing on site.
- Pittsylvania Avenue Intersection Project has a deadline of June 1, 2013.
- VDOT Enhancement Project and Downtown Utility Replacement Project has construction period of 365 days.
- Contractor, VDOT and Town currently reviewing a Traffic Control Plan for the Intersection portion of the contract. This will possibly involve a detour on the east side of Pittsylvania Avenue.

Mr. Coggsdale noted a detour will be needed during construction at Pittsylvania Avenue and Main Street so contractors can complete the work during the timeframe.

Mrs. Dalton left the Chamber at 8:42 p.m. and returned at 8:43 p.m.

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- b) Reports
  - i. Departmental

Mrs. Lucas addressed Council giving a brief report on her strategic work plan. She referred to Goal #3, she would explore and enhance greater opportunities for senior housing/assisted living; consider whether the Armory would be a suitable location. Mrs. Lucas reached out to an engineering firm, HDR located in Nebraska, which produced a concept for that location. She stated it takes the six acres and puts into place the Altavista Senior Village, independent senior housing.

Mr. Edwards stated the concept is very attractive and asked if this would be done through private funding.

Mrs. Lucas responded an incentive package would be put together to entice developers. The Town would be a catalyst for the development.

- ii. Others
- c) Other Items as Necessary
- d) Informational Items

Mr. Coggsdale mentioned VDOT has provided the proper signage for the Route 29 Bypass in regard to the adopted truck restrictions on Lynch Mill Road.

14. Matters from Town Council

15. Closed Session

I move that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950, as amended,

Section 2.2-3711 (A)(1) regarding discussion and/or consideration of prospective appointments to Altavista Planning Commission, Board of Zoning Appeals and Recreation Committee.

A motion was made by Mrs. Dalton, and seconded by Mr. Edwards.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Council went into closed session at 9:48 P.M.  
Notice was given that Council was back in regular session 9:52 P.M.

FOLLOWING CLOSED SESSION:

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the town council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the town council hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town council.

Motion carried:

VOTE:	Mayor Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Mayor Mattox asked if there was anything else to bring before Council.

No one came forward.

The meeting was adjourned at 9:53 p.m.

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Michael E. Mattox, Mayor

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J. Waverly Coggsdale, III, Clerk